UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

This Document Relates to:

IN RE ELECTRONIC BOOKS ANTITRUST LITIGATION

No. 11-md-02293 (DLC) ECF Case

CLASS ACTION

THE STATE OF TEXAS, et al.,

Plaintiffs,

v.

PENGUIN GROUP (USA) INC., et al.,

Defendants

Civil Action No. 12-cv-03394

PLAINTIFFS' MOTION FOR PRELIMINARYAPPROVAL OF SETTLEMENT WITH APPLE INC.

PLEASE TAKE NOTICE that upon the filing of the accompanying Memorandum of Law in Support of Plaintiffs' Motion for Preliminary Approval of Settlement with Apple Inc., and all attachments submitted therewith, Plaintiffs will move this Court before the Honorable Denise Cote, at the United States courthouse located at 500 Pearl Street, New York, New York 10007, for an order:

- 1) Granting preliminary approval of the Apple Settlement; and
- 2) Granting Plaintiffs' request to defer notice to consumers of the Apple Settlement until further order of the Court.

Plaintiff States (by and through Liaison Counsel for Plaintiff States) and Settlement Class (by and through co-lead counsel Hagens Berman Sobol Shapiro LLP and Cohen Milstein Sellers

& Toll PLLC) seek these orders pursuant to the Clayton Act, 15 U.S.C. § 15 (authorizing persons to bring a civil antitrust action for damages) and 15 U.S.C. § 15c (authorizing State Attorneys General to bring a civil antitrust action for damages, as *parens patriae* on behalf of natural persons residing in such States, and requiring court approval of compromise of such claims).

Dated: July 16, 2014.

Respectfully submitted,

STATE OF TEXAS GREG ABBOTT, ATTORNEY GENERAL

DANIEL HODGE
First Assistant Attorney General
JOHN B. SCOTT
KIM VAN WINKLE
Section Chief, Antitrust Section

REBECCA FISHE

Senior Assistant Attorney General

P.O. Box 12548

Austin, Texas 78711-2548

Phone (512) 463-1265

Rebecca.Fisher@texasattorneygeneral.gov

ATTORNEYS FOR THE STATE OF TEXAS AND

LIAISON COUNSEL FOR PLAINTIFF STATES

STATE OF CONNECTICUT GEORGE JEPSEN, ATTORNEY GENERAL

MICHAEL E. COLE
Chief, Antitrust Department
W. Joseph Nielsen
Gary M. Becker
Assistant Attorneys General
55 Elm Street
Hartford, CT 06106
Michael.Cole@ct.gov
Joseph.Nielsen@ct.gov
Gary.Becker@ct.gov

ATTORNEYS FOR THE STATE OF CONNECTICUT AND LIAISON COUNSEL FOR PLAINTIFF STATES

STATE OF OHIO R. MICHAEL DEWINE, ATTORNEY GENERAL

DOREEN JOHNSON
Assistant Chief, Antitrust Section

Edward J. Olszewski
Matthew McKinley
Assistant Attorneys General
Office of the Ohio Attorney General, Antitrust Section
150 E. Gay St. – 23rd Floor
Columbus, OH 43215
Tel: (614) 466-4328
Doreen.Johnson@ohioattorneygeneral.gov
Edward.Olszewski@ohioattorneygeneral.gov

ATTORNEYS FOR THE STATE OF OHIO AND LIAISON COUNSEL FOR PLAINTIFF STATES

HAGENS BERMAN SOBOL SHAPIRO LLP SHANA E, SCARLETT

STEVE W. BERMAN

Hagens Berman Sobol Shapiro LLP 1918 Eighth Ave, Suite 3300 Seattle, Washington 98101

JEFF D. FRIEDMAN 715 Hearst Ave., Suite 202 Berkeley, CA 94710

Tel: (510) 725-3000

jefff@hbsslaw.com

Kit A. Pierson (*Pro Hac Vice*)

Jeffrey Dubner (4974341)

COHEN, MILSTEIN, SELLERS & TOLL, PLLC 1100 New York Avenue, N.W.

South Tower, Suite 500

Washington, D.C. 20005

Telephone: (202) 408-4600

Facsimile: (202) 408-4699

KPierson@cohenmilstein.com

jdubner@cohenmilstein.com

ATTORNEYS FOR SETTLEMENT CLASS

CERTIFICATE OF SERVICE

I hereby certify that on July 16, 2014, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List.